

COMMISSIONERS
GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

OPEN MEETING ITEM



ORIGINAL

ARIZONA CORPORATION COMMISSION



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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DATE: FEBRUARY 15, 2011

DOCKET NO.: T-02946A-10-0405

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Yvette B. Kinsey. The recommendation has been filed in the form of an Order on:

NATIONAL PUBLIC PHONE CO.
(CANCELLATION OF CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

FEBRUARY 24, 2011

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

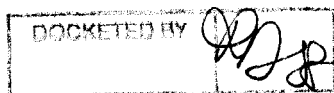
MARCH 1, 2011 and MARCH 2, 2011

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

FEB 15 2011



ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 GARY PIERCE - Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 IN THE MATTER OF THE APPLICATION
9 NATIONAL PUBLIC PHONE CO. FOR
10 APPROVAL TO CANCEL A CERTIFICATE
11 OF CONVENIENCE AND NECESSITY FOR
12 CUSTOMER OWNED PAY TELEPHONE
13 SERVICES.

DOCKET NO. T-02946A-10-0405

DECISION NO. _____

ORDER

14 Open Meeting
15 March 1 and 2, 2011
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the
19 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 1. In Commission Decision No. 59729 (June 26, 1996), the Arizona Corporation
22 Commission ("Commission") granted National Public Phone Co. ("NPPC" or "Applicant") a
23 Certificate of Convenience and Necessity ("CC&N") to provide customer owned pay telephone
24 ("COPT") service in Arizona.

25 2. On October 4, 2010, NPPC filed an application with the Commission requesting
26 approval to cancel its CC&N to provide COPT service in Arizona.

27 3. On January 24, 2011, the Commission's Utilities Division Staff ("Staff") filed a
28 Memorandum in response to NPPC's application to cancel its CC&N. Staff states it contacted Mr.
Bill Mason, Manager of Operations for NPPC and verified that he is authorized to file the application
on behalf of NPPC. According to Staff, Mr. Mason stated that NPPC has not done business in
Arizona since 2007, and that NPPC waives its right to a hearing in this matter. Staff further states
that the Commission's Consumer Services Section shows that no complaints, inquiries, or opinions

1 have been filed against NPPC as of October 14, 2010. According to Staff, the Commission's
2 Compliance Section reports that NPPC is in compliance with the Commission and no compliance
3 items or delinquencies have been reported.

4 4. Staff recommends approval of NPPC's application to cancel its CC&N.

5 5. Staff's recommendation for approval of NPPC's application for cancellation of its
6 CC&N, is reasonable and should be adopted.

7 **CONCLUSIONS OF LAW**

8 1. NPPC is a public service corporation within the meaning of Article XV of the Arizona
9 Constitution and A.R.S. §§ 40-281 and 40-282.

10 2. The Commission has jurisdiction over NPPC and the subject matter of the application.

11 3. The cancellation of NPPC's CC&N to provide customer owned pay telephone services
12 in Arizona is in the public interest.

13 4. NPPC waives its right to notice and a hearing in this matter.

14 5. Staff's recommendation is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that National Public Phone Co.'s Certificate of Convenience and Necessity, granted in Commission Decision No. 59729 (June 26, 1996) to provide customer-owned pay telephone service in Arizona is hereby cancelled.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN _____ COMMISSIONER _____

COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER _____

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2011.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

YBK:db

1 SERVICE LIST FOR: NATIONAL PUBLIC PHONE CO.

2 DOCKET NO.: T-02946A-10-0405

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